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COUNCIL OF EUROPE
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The situation in Belarus

Reply to Recommendation[1]: Recommendation 1992 (2012)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.

2. The Committee of Ministers has carefully examined Recommendation 1992 (2012) on "The situation in Belarus", also in the light of Resolution 1857 (2012) of the Parliamentary Assembly.

3. The Committee of Ministers understands the Assembly's concern regarding the deteriorating situation of human rights and political liberties in Belarus. It has transmitted Recommendation 1992 (2012) to the governments of the member States, asking them to take particular account of paragraph 2 thereof.

4. At the outset, the Committee of Ministers recalls that its strategic objective remains the integration of Belarus into the Council of Europe on the basis of the Organisation's values and principles, pursuant to the Declaration of the May 2005 Warsaw Summit. In this respect, the Committee of Ministers noted some positive developments in particular of Belarus's interest in joining Council of Europe conventions, in engaging dialogue on the question of the abolition of the death penalty and in the setting-up of the Info-Point in Minsk.

5. Following the events in the aftermath of presidential elections that raised serious concerns, the Committee of Ministers called, in its declaration on the situation in Belarus of 12 January 2011, for the immediate release of the arrested presidential candidates, journalists and human rights activists. It also declared that it will continue supporting the establishment of closer relations between the Council of Europe and Belarus only on the basis of respect for European values and principles. The latter required an immediate end to the oppression of the democratic political opposition, the independent media and civil society. Significant progress was also requested on a number of other issues on which the Committee of Ministers remains – as does the Assembly – concerned, such as freedom of association and of assembly. Active co-operation with the Venice Commission and the ODIHR aimed at implementation of their recommendations on the country's electoral legislation, an issue notably in view of the 2012 parliamentary elections and the abolition of Article 193 of the Criminal Code, which criminalises the activity of non-registered NGOs and their personnel, are also needed.

6. The Committee of Ministers welcomes the release of former presidential candidate in the 2010 election, Andrei Sannikaw and his colleague, Dzmitry Bandarenka, and calls on the Belarusian authorities to set free all those imprisoned in the aftermath of the presidential elections of 19 December 2010 along with the others imprisoned for political reasons and to restore them to their rights.

7. The Committee of Ministers shares the Assembly's view that an immediate moratorium on the use of, and the subsequent action towards abolition *de jure* of, the death penalty remain a fundamental prerequisite for greater co-operation with the Council of Europe. In particular, the Committee of Ministers, after having called for the sentences passed on Dzmitry Kanavalaw and Uladzislaw Kavalyow to be commuted, deplored in its statement of 21 March 2012 that the Belarusian authorities, despite the numerous calls for clemency from the international community, including the Committee of Ministers' own statement of 7 December 2011,

1. 2012 - Fourth part-session

had executed these two persons. The Committee of Ministers reiterates its position that justice cannot be achieved through the death of further human beings and that such actions run counter to the common objective of bringing Belarus closer to the Council of Europe. The Committee of Ministers continues to urge Belarus to establish a formal moratorium on executions as a first step towards abolition of the death penalty.

8. The Committee of Ministers takes the view that assistance to civil society, including independent media, should be maintained and reinforced. Activities to this end are under way (albeit with some difficulties as regards their conduct in Belarus) for example through visits by Belarus NGO representatives to the Council of Europe, and seminars for civil society representatives on issues of relevance to the Organisation, as well as through support to the Belarus School of Political Studies.

9. The Council of Europe Info-Point in Minsk, established as a joint project between the Council of Europe and the Belarus State University to promote awareness in Belarus of the Organisation and its activities, further to an initiative of the Assembly, continues to function.

10. The Committee of Ministers reiterates its position that stronger involvement of Belarus in the common European legal space through commitment to its standards can only be of benefit to the Belarusian people. The Committee of Ministers recently invited Belarus to accede to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), following a request by the Belarusian authorities. The Committee also recalls that Belarus acceded to GRECO in 2011 and joined the Enlarged Partial Agreement on Sport (EPAS) in 2009. Still more can be done in this respect. Recently, the Minister of Foreign Affairs of Belarus informed the Secretary General of the Council of Europe of the interest of his country in joining the Council of Europe Convention on Cybercrime (ETS No. 185) and the Council of Europe Convention for the Protection of the Architectural Heritage of Europe (ETS No. 121). In more general terms, while noting the wish of Belarus to join a larger number of Council of Europe's conventions, the Committee of Ministers would encourage Belarus in particular to consider joining the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126).

11. The Committee of Ministers would finally like to recall that representatives of the Belarusian authorities are invited to and participate at the relevant level in some activities of the Council of Europe, including in the Council of Europe/European Union Eastern Partnership Facility. The Committee of Ministers reiterates its call on the Belarusian authorities to take full advantage of their participation in these co-operation mechanisms in order to better apprehend the values promoted by the Council of Europe and to apply the standards of the Organisation.